

## Message Text

SECRET POSS DUPE

PAGE 01 BANGKO 03025 01 OF 02 101259Z

45

ACTION EA-06

INFO OCT-01 SS-14 ISO-00 PM-03 SP-02 INR-05 CIAE-00 L-01

NSC-05 NSCE-00 OMB-01 /038 W  
----- 004207

R 101122Z FEB 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 8229

INFO SECDEF WASHDC

CINCPAC HONOLULU HI

COMUSMACTHAI BANGKOK

DIRNSA

S E C R E T SECTION 1 OF 2 BANGKOK 3025

LIMDIS

E.O. 11652: GDS

TAGS: MARR, PFOR, TH, US

SUBJECT: STATUS OF RESIDUAL U.S. FORCES: TALK WITH KOSON

REF: A) BANGKOK 2395 (DTG 041311Z FEB 76), B) BANGKOK  
2396 (DTG 041324Z FEB 76), C) BANGKOK 2502 (DTG 051151Z  
FEB 76)

1. ON FRIDAY, FEBRUARY 6, POMILCOUNS CALLED ON GENERAL SAIYUT KOETPHON TO FOLLOW UP AGREEMENT REACHED AT AMBASSADOR'S FEBRUARY 4 MEETING WITH FOREIGN MINISTER CHATCHAI. UNDER THIS AGREEMENT, SAIYUT WAS TO BE AUTHORIZED TO UNDERTAKE NO-COMMITMENT DISCUSSION OF FUTURE ARRANGEMENTS AT KO KHA, CHIANG MAI AND UTAPAO. (SAIYUT IS ALREADY EMPOWERED TO DISCUSS RAMASUN).M SAIYUT SAID THAT HE WOULD NEED WRITTEN INSTRUCTIONS FROM THE MINISTRY OF FOREIGN AFFAIRS BEFORE UNDERTAKING SUCH DISCUSSIONS AND THAT HE HAD NOT RECEIVED THEM. (A MEMCON REPORTS SAIYUT CONVERSATION IN MORE DETAIL.) POMILCOUNS SAID HE WOULD RAISE MATTER WITH MFA DIRECTOR GENERAL FOR POLITICAL AFFAIRS KOSON SINTHAWANON.

SECRET

SECRET

PAGE 02 BANGKO 03025 01 OF 02 101259Z

2. POMILCOUNS CALLED ON KOSON FEBRUARY 9. AMERICAN AFFAIRS CHIEF WORAPHUT CHAIYANAM WAS ALSO PRESENT.

KOSON SAID THAT CHATCHAI HAD SIGNED A LETTER TO MOD AUTHORIZING SAIYUT TO ENTER INTO DISCUSSIONS IN QUESTION. THIS LETTER SHOULD BE REACHING SAIYUT SOON, HE THOUGHT.

3. POMILCOUNS THEN OFFERED A FEW REFLECTIONS ON FEBRUARY 4 MEETING BETWEEN AMBASSADOR AND CHATCHAI. HE TOLD KOSON THAT THESE REFLECTIONS WERE BASED ON DISCUSSIONS WITH THE AMBASSADOR. EMBASSY, POMILCOUNS SAID, HAD OF COURSE BEEN AWARE OF RTG DISSATISFACTION WITH OVERALL STATUS OF FORCES ARRANGEMENTS BASED ON MILITARY ASSISTANCE AGREEMENT OF 1950. KOSON HIMSELF HAD EXPLAINED THAI ATTITUDE TO THEN CHARGE MASTERS ON DECEMBER 29, AND OTHERS AT MFA HAD MADE SIMILAR POINTS TO EMBASSY STILL EARLIER. WE THEREFORE RECOGNIZED THAT THERE WOULD BE NEGOTIATIONS ON THE SUBJECT.

4. WE WERE, HOWEVER, SURPRISED BY THE CONNECTION AMBASSADOR ANAN HAD MADE AT THE FEBRUARY 4 MEETING BETWEEN THE STATUS OF FORCES QUESTION AND THE RESIDUAL PRESENCE ITSELF. THE GENERAL OUTLINES OF THAT PRESENCE HAD BEEN NEGOTIATED AT A SERIES OF MEETINGS BETWEEN THE AMBASSADOR AND THE MINISTER AT WHICH KOSON HIMSELF HAD BEEN PRESENT. AGREEMENT HAD BEEN REACHED IN PRINCIPLE ON A FUTURE U.S. PRESENCE THAT WOULD BE MUTUALLY ADVANTAGEOUS TO THE U.S. AND THAILAND. WHILE WE RECOGNIZED THAT THE STATUS OF THE RESIDUAL FORCES WAS A PROPER SUBJECT FOR NEGOTIATION, WE DOUBTED THE POSSIBILITY OF COMPLETING NEGOTIATIONS ON THIS SUBJECT BY MARCH 20, AND IT WAS EVEN MORE UNLIKELY THAT THIS COULD BE DONE BY THE END OF FEBRUARY, WHEN THE ULTIMATUM ISSUED BY AMBASSADOR ANAN WOULD EXPOSE. WE NOW FACED THE THREAT OF SUSPENSION OF OPERATIONS, CONTINUATION OF WHICH HAD EARLIER BEEN AGREED IN PRINCIPLE, AND WHICH WERE IN THE MUTUAL INTEREST.

5. POMILCOUNS SHOWED KOSON EXAMPLES OF STATUS OF FORCES AGREEMENTS, POINTING OUT THEIR COMPLEXITY. HE PARTICULARLY NOTED THAT IN CONNECTION WITH CRIMINAL JURISDICTION, VIRTUALLY ALL SUCH AGREEMENTS GAVE THE U.S. PRIMARY

SECRET

SECRET

PAGE 03 BANGKO 03025 01 OF 02 101259Z

JURISDICTION IN CERTAIN TYPES OF CASES. THIS ILLUSTRATED WHY THE THAI PRINCIPLES GAVE US GREAT DIFFICULTY AND WHY IT WOULD TAKE TIME TO NEGOTIATE THE MATTER.

6. KOSON ARGUED THAT IT WAS ESSENTIAL TO HAVE BEFORE MARCH 20 AN ACCEPTABLE FRAMEWORK OF PRINCIPLE. WORAPHUT ADDED THAT ON MARCH 20 IT WOULD BE NECESSARY FOR THE RTG TO BE ABLE TO SAY ONE OF TWO THINGS: EITHER THAT ALL U.S. FORCES HAD LEFT THAILAND, OR THAT SOME U.S. NON-COMBAT FORCES REMAINED IN THAILAND ON THE

BASIS OF PRINCIPLES WHICH THE RTG COULD MAKE KNOWN AND WHICH THE PUBLIC WOULD ACCEPT. KOSON CONTENDED THAT PRINCIPLE 1, AS PROPOSED BY THE THAI, SHOULD BE ACCEPTABLE TO THE U.S. SINCE ITS ASSERTION OF THAI JURISDICTION WAS QUALIFIED BY REFERENCE TO EXEMPTIONS BASED ON "SPECIFIC AGREEMENTS." ASKED WHETHER THIS WOULD INCLUDE AGREEMENTS ALREADY IN EXISTENCE (E.G. RAMASUN, KO KHA) AS WELL AS THOSE TO BE NEGOTIATED IN THE FUTURE, KOSON REPLIED THAT THE 1950 MILITARY ASSISTANCE AGREEMENT COULD NO LONGER BE REGARDED AS AN ACCEPTABLE BASIS FOR THE STATUS OF U.S. FORCES. THE 1950 AGREEMENT HAD NOT BEEN DESIGNED TO COVER LARGE NUMBERS OF U.S. PERSONNEL. LONG AFTER IT HAD BEEN SIGNED, THERE HAD BEEN AN "UNNATURAL GROWTH" OF U.S. FORCES IN THAILAND AND THE 1950 AGREEMENT HAD BEEN HASTILY APPLIED TO SOME OF THEM. BUT THIS WAS AN ANACHRONISM IN TODAY'S WORLD.

7. KOSON, SECONDED BY WORAPHUT, REPEATEDLY STRESSED THAT THE 1950 AGREEMENT COULD NOT BE USED AS A DEVICE TO DISPOSE OF STATUS OF FORCES QUESTIONS IN THE FUTURE. "WE ARE OFTEN A SOFT-MINDED PEOPLE," HE SAID. "ONE CAN USUALLY WORK THINGS OUT WITH US. BUT ON THIS POINT WE ARE ABSOLUTELY FIRM."

SECRET

NNN

SECRET POSS DUPE

PAGE 01 BANGKO 03025 02 OF 02 101246Z

45

ACTION EA-06

INFO OCT-01 SS-14 ISO-00 PM-03 SP-02 INR-05 CIAE-00 L-01

NSC-05 NSCE-00 OMB-01 /038 W  
----- 004091

R 101122Z FEB 76  
FM AMEMBASSY BANGKOK  
TO SECSTATE WASHDC 8230  
INFO SECDEF WASHDC  
CINCPAC HONOLULU HI  
COMUSMACTHAI BANGKOK  
DIRNSA

S E C R E T SECTION 2 OF 2 BANGKOK 3025

LIMDIS

8. KOSON CAUTIOUSLY BACKED AWAY FROM ANAN'S "END OF THIS MONTH" (FEBRUARY) DEADLINE, REJECTING POMILCOUNS' USE OF WORD, "ULTIMATUM," AND SAYING THAT MARCH 20 WAS THE KEY DATE. POMILCOUNS SAID THAT U.S. UNDERSTANDING OF MARCH 20 WAS THAT IT WAS THE DATE BY WHICH ALL COMBAT FORCES SHOULD BE OUT OF THAILAND, AND THIS WOULD BE DONE. IN OUR VIEW, AN ACCEPTABLE RESIDUAL STRUCTURE SHOULD ALSO BE VISIBLE AT THAT TIME. THE DETAILS, HOWEVER, COULD PROBABLY NOT BE NEGOTIATED SO QUICKLY AND OUGHT TO BE TREATED WITH MORE DELIBERATION. STRESSING THAT WE HAD NOT YET RECEIVED INSTRUCTIONS FROM WASHINGTON, POMILCOUNS OPINED THAT THE MOST DESIREABLE APPROACH WOULD BE FOR OPERATIONS TO CONTINUE ON THEIR PRESENT BASIS WHILE A MUTUALLY SATISFACTORY NEW BASIS WAS UNDER NEGOTIATION.

9. KOSON REPEATEDLY PRESSED FOR U.S. ACCEPTANCE OF THE THAI SEVEN PRINCIPLES AS THEY STOOD. HE INSISTED THAT ONCE THEY WERE ACCEPTED, THIS WOULD SATISFY TEMPORARY THAI NEEDS AND THE DETAILS COULD BE DISCUSSED LATER. POMILCOUNS POINTED OUT THAT IF THE THAI PRINCIPLES WERE ACCEPTED IN THEIR PRESENT FORM, THIS WOULD PREJUDICE

SECRET

SECRET

PAGE 02 BANGKO 03025 02 OF 02 101246Z

SUBSEQUENT NEGOTIATIONS, SINCE A NUMBER OF MATTERS THAT SHOULD BE NEGOTIATED WOULD HAVE BEEN ALREADY DISPOSED OF. WE COULD NOT, FOR EXAMPLE, ACCEPT THE IDEA THAT MEMBERS OF THE U.S. FORCES RESIDENT IN THAILAND TO CARRY OUT OPERATIONS CONTRIBUTING TO MUTUAL SECURITY OF THE TWO COUNTRIES SHOULD BE TREATED LIKE THIRD COUNTRY TECHNICAL EXPERTS.

10. POMILCOUNS EXPRESSED THE PERSONAL EXPECTATION THAT WASHINGTON WOULD BE WILLING TO DISCUSS A SET OF PRINCIPLES, POSSIBLY COVERING MUCH THE SAME GROUND AS THE PRINCIPLES PROPOSED BY THE THAI, AND THAT THE U.S. WOULD MAKE SUGGESTIONS FOR CHANGES IN THE LANGUAGE. KOSON SEEMED INTERESTED IN THE IDEA THAT THE U.S. MIGHT MAKE COUNTER-PROPOSALS, AND DID NOT REJECT THIS NOTION. HE URGED THE FASTEST POSSIBLE REACTION TO THE THAI NOTE CONTAINING THE SEVEN PRINCIPLES.

11. KOSON SWITCHED THE CONVERSATION TO THE QUESTION OF NEGOTIATING NUMBERS OF RESIDUAL PERSONNEL, COMPLAINING, AS HAD ANAN, THAT THE THAI WERE IN THE DARK AS TO U.S. PLANS. POMILCOUNS TOLD KOSON OUR UNDERSTANDING HAD BEEN THAT, BROAD AGREEMENT IN PRINCIPLE HAVING BEEN REACHED BY THE AMBASSADOR AND CHATCHAI ON THE GENERAL OUTLINES OF THE FUTURE U.S. PRESENCE, DETAILS SUCH AS

SPECIFIC NUMBERS WERE TO BE DEALT WITH AT THE WORKING LEVEL. WE HAD NOT BEEN HOLDING OUT ON THE THAI. WE HAD BEEN WAITING FOR THE RTG TO DECIDE WHO WOULD REPRESENT IT IN WORKING OUT THE DETAILS. IN THE CASE OF RAMASUN, GENERAL SAIYUT HAD BEEN SELECTED. WE HAD THEREUPON PROVIDED SAIYUT WITH THE KIND OF DETAIL KOSON WAS SPEAKING OF, AND WE WERE PREPARED TO DO THE SAME FOR THE REMAINDER OF THE RESIDUAL PRESENCE AT SUCH TIME AS THE THAI CHOSE SOMEONE TO RECEIVE THE INFORMATION. IT NOW APPEARED THAT SAIYUT WOULD BE THE CHOSEN INSTRUMENT FOR THIS PURPOSE ALSO, BUT IF KOSON HIMSELF OR ANAN WISHED TO RECEIVE THE INFORMATION, THAT WOULD CAUSE US NO DIFFICULTY. KOSON REAFFIRMED THAT SAIYUT WOULD REPRESENT THE THAI FOR THIS PURPOSE. HE THEN DROPPED THE MATTER. (WE NEVERTHELESS WILL OFFER TO BRIEF ANAN AS WELL AS SAIYUT.)

SECRET

SECRET

PAGE 03 BANGKO 03025 02 OF 02 101246Z

12. COMMENT: BASED ON THIS CONVERSATION, IT APPEARS THAT A) THE THAI DO NOT REGARD FEBRUARY 29 AS A DEADLINE AND ARE NOT LIKELY TO ASK US TO SUSPEND OPERATIONS ON THAT DATE IF NO PRINCIPLES HAVE BEEN AGREED ON, PROVIDED WE HAVE BY THEN REACTED TO THEIR PROPOSAL; B) THE THAI REGARD AGREEMENT ON A SET OF PRINCIPLES BY MARCH 20 AS EXTREMELY IMPORTANT; C) THE THAI WILL BE PREPARED TO CONSIDER U.S. PROPOSALS FOR MODIFICATION OF THE LANGUAGE PUT FORTH BY THEM, BUT WILL NOT ACCEPT THE MILITARY ASSISTANCE AGREEMENT OF 1950 AS A BASIS FOR FUTURE STATUS OF U.S. FORCES (EXCEPT JUSMAG) AND WILL RESENT ANY REFERENCE TO THAT AGREEMENT IN U.S. COUNTER PROPOSALS.

13. EMBASSY'S SUGGESTIONS FOR A COUNTER-PROPOSAL WILL BE SENT SEPTEL.  
WHITEHOUSE

SECRET

NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** FORCE & TROOP LEVELS, NEGOTIATIONS, MILITARY BASES, MILITARY AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 FEB 1976  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** vogelfj  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976BANGKO03025  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760050-0508  
**From:** BANGKOK  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760265/aaaacfgfgr.tel  
**Line Count:** 262  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** SECRET  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** 76 BANGKOK 2395  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** vogelfj  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 02 FEB 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <02 FEB 2004 by morefirh>; APPROVED <30 SEP 2004 by vogelfj>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** STATUS OF RESIDUAL U.S. FORCES: TALK WITH KOSON  
**TAGS:** MARR, PFOR, TH, US, (KOSON)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006